

**Categorical Exclusion Documentation Format for Actions Other Than Hazardous
Fuels and Fire Rehabilitation Actions**

**Trapping of Trespass Livestock in Ajo, AZ, 2012
DOI-BLM-AZ-P020-2012-021-CX**

A. Background

BLM Office: ***Lower Sonoran Field Office (LSFO)***

Lease/Serial/Case File No.: N/A

Proposed Action Title/Type: **Trapping of Trespass Livestock in Ajo**

Location of Proposed Action: *Trap Site 1: 11S 6W NW ¼ SE ¼ just north of Ajo Air Station Road, trap located just off a wash; vehicular access in wash. Trap Site 2: Hot Shot Tank (private property) 12S 5W NE ¼ SW ¼*

Description of Proposed Action: *Place a portable corral at Trap Site 1 to trap trespass livestock (cattle, horses, and donkeys) to remove them from BLM lands on the west side of Highway 85. Later, place the portable corral at Hot Shot Tank (and possibly other locations TBD if necessary) near Ajo, Arizona, to trap livestock on the east side of the highway. Trespass donkeys, horses, and cattle will be removed from public lands in cooperation with the Arizona Brand Inspector in accordance with Arizona Estray Livestock laws.*

B. Land Use Plan Conformance

Land Use Plan (LUP) Name: **Lower Gila South Resource Management Plan
(Goldwater Amendment)**

Date Approved/Amended: **1990**

☒ The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

“Adopt captured burros through the adoption program or impound and sell, whichever is appropriate according to the determination of the ownership (HB-3).”

☒ The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

“Prepare a burro capture-and-removal plan in coordination with the US Air Force, Tohono O’odham tribe, and other affected parties (HB-2).”

Although a burro capture plan has not been prepared, consultation and coordination has been ongoing between BLM LSFO and the US Air Force, the Tohono O’odham tribe, US Fish and Wildlife Service, the US Park Service, and the affected permittees. Documentation of this coordination effort is available upon request.

C: Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 Departmental Manual (DM) 11.9:

D.2: Placement and use of temporary (not to exceed one month) portable corrals and water troughs, providing no new road construction is needed.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 11.9 apply.

I considered: placement of the trap(s)(portable corrals and portable water troughs) to ensure no impacts to resources are incurred. Hot Shot Tank is on private property and the trap off of Ajo Air Station Road is in a well-traveled wash. No new road construction is necessary. No impacts to wildlife, cultural or other resources are expected from the action. A Notice of Intent to Impound has been registered in the Ajo Copper News. The animals will be removed by the Arizona Livestock Brand Inspector in accordance with Arizona Livestock laws and statutes.

D: Signature

Review: *We have determined that the proposal is in accordance with the categorical exclusion criteria and that it would not involve any significant environmental effects (see Attachment 1). Therefore, it is categorically excluded from further environmental review.*

Prepared by: _____/S/_____

**Andrea Felton
Project Lead**

Reviewed by: _____/S/_____

**Leah Baker
Planning & Environmental Coordinator**

Approved by: _____/S/_____

**Emily Garber
Manager**

Contact Person

For additional information concerning this CX review, contact:

Andrea Felton, Rangeland Management Specialist, LSFO, 623-377-0400.

Note: A separate decision document must be prepared for the action covered by the CX. BLM Categorical Exclusions: Extraordinary Circumstances¹

Attachment 1

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:		
1. Have significant impacts on public health or safety		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: <i>The proposed action is designed to reduce issues regarding public health and safety by addressing trespass donkeys that are currently moving across Highway 85. The presence of these donkeys on or near the highway creates a potential risk of vehicle strikes or other traffic accidents. The corral traps will be placed in areas that are not well-travelled and, aside from those participating in the trapping effort, should receive negligible human interface.</i>
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: <i>It is estimated that there are currently about 65-200 donkeys trespassing from the Tohono O'odham Reservation. They are congregating in large numbers on the Childs Allotment, consuming forage delegated for permitted livestock grazing. They have created many deep trails in and around Hot Shot Tank and Burro Gap. They are also crossing Highway 85 and impacting vegetation and soils on the Cabeza Prieta National Wildlife Refuge (consuming endangered Sonoran Pronghorn forage) and on the Organ Pipe Cactus National Monument. The proposed action is designed to remove the trespass donkeys to reduce impacts on all resources on BLM lands, the CPNWR, and the OPCNM. Trap placement would not impact cultural, wildlife, wilderness, wetlands, or any other resources.</i>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: <i>The proposed action of placing temporary corrals to trap trespass livestock does not involve any unresolved environmental issue.</i>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: <i>Proposed portable corrals and water troughs do not involve any unknown environmental risks. Corrals are made of portable ready-made steel panels that do not require any permanent</i>

¹ If an action has any of these impacts, you must conduct NEPA analysis.

		<i>digging or foundations. Water troughs are removable. Gates are left open except when active trapping is occurring in order to prevent trapping of wildlife.</i>
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: <i>Placement of temporary corrals and water troughs for the removal of trespass animals is a well-established action that does not cause any significant environmental effects.</i>
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: <i>The proposed action would not cause any cumulative environmental effects.</i>
7. Have significant impacts on properties listed or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: <i>Cultural surveys have been conducted at both trap sites (see attached worksheet. The TON was involved in the annual interagency meeting in February. And Hot Shot Tank is privately owned by a member of the TON, and is directly involved with the trapping at Hot Shot Tank.</i>
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: <i>AGFD has been involved with the interagency meetings involving this coordinated trapping effort. They are in support of this action because it reduces impacts to Sonoran Pronghorn habitat.</i>
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: <i>No migratory birds or their habitats will be impacted by this action. The TON, State Brand Inspector, USAF, USFWS, USPS, and ADOT are all members of the interagency coordination meeting for this subject and are supportive of this action</i>
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: <i>Consultation has been on-going for more than a year with members of the TON Tribe, who refuse to claim the animals. Therefore, no effect on minority populations is expected. Animals will be removed by an Arizona Livestock Brand Inspector. Any person wishing to retrieve their animals would have to do so through the brand inspector.</i>
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: <i>The proposed trap sites do not involve any Indian sacred sites.</i>

12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: <i>If available, weed-free hay will be used for baiting and maintaining the animals until they can be removed.</i>

Decision
Attachment 2

Project Description:

Place a portable corral at Hot Shot Tank and other locations as necessary near Ajo, Arizona, to trap trespass livestock (cattle, horses, and burros) to remove them from BLM lands, in accordance with 43 CFR 4150 and Arizona Estray Livestock statutes.

Decision: Based on a review of the project described above and field office staff recommendations, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed, with the following stipulations (if applicable).

Appeal Opportunities:

The decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Public notification of this decision will be considered to have occurred on December 22, 2010. Within 30 days of this decision, a notice of appeal must be filed in the office of the Authorized Officer at 21605 North 7th Avenue, Phoenix Arizona, 85027. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of irreparable harm to the appellant or resources if the stay is not granted,
4. Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the Authorized Officer. A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken to: Field

Solicitor, U.S. Department of the Interior, 401 West Washington Street, Suite 404, Phoenix Arizona 85003, not later than 15 days after filing the document with the Authorized Officer and/or IBLA.

Approved By: _____Acting FM Cheryl Blanchard_____ **Date:** __01/013/2013__
Emily Garber
Manager